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Supreme Court of the United States.

OCTOBER TERM, 1949.

No. 44.

HEMAN MARION SWEATT, PETITIONER,

v.

THEOPHILUS SHICKEL PAINTER ET AL.

ON A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF TEXAS.

SUPPLEMENT TO BRIEF OF AMICI CURIAE.

THOMAS I. EMERSON,
JOHN P. FRANK,
ALEXANDER H. FREY,
ERWIN N. GRISWOLD,
ROBERT HALE,
HAROLD HAVIGHURST,
EDWARD LEVI,
For the Committee of Law Teachers Against Segregation in Legal Education.

ADDISON C. GETCHELL & SON, LAW PRINTERS, BOSTON.

Supreme Court of the United States.

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The brief filed by the state of Texas includes the following passage (Br. 121; see also Appendix 227):

> "The school, including of course its faculty, has also been found by the American Association of Law Schools to meet its standards. Its accreditation was delayed pending outcome of this law suit and for that reason only."

This statement is not correct.

In order that the Court may have available all of the facts with respect to this matter, there is set forth in an Appendix to this memorandum the complete transcript of the proceedings of the Association of American Law Schools, held in Chicago, Illinois, on December 29, 1949, relating to this issue.

From that transcript it appears that the Association "took the issue or the problem off our calendar," and that the president of the Association expressly stated: "I do not understand that this body approves or disapproves at this stage anything that the Executive Committee has done."

Respectfully submitted,

THOMAS I. EMERSON,
JOHN P. FRANK,
ALEXANDER H. FREY,
ERWIN N. GRISWOLD,
ROBERT HALE,
HAROLD HAVIGHURST,
EDWARD LEVI,

For the Committee of Law Teachers Against Segregation in Legal Education.

April, 1950.

Appendix.

Extract from minutes of annual meeting of Association of American Law Schools held in Chicago, Illinois, on December 29, 1949.

SECRETARY-TREASURER RIBBLE: I turn to the supplementary report of the Executive Committee. I had best start this report by reading a brief section of our Articles of Association.

> Section 2.2. Applications for Membership.
>
> Applications for membership shall be addressed to the Secretary, accompanied by evidence that the applicant complies with the requirements and standards established by the Association. The Executive Committee shall examine the application and report to the Annual Meeting of the Association whether or not the applicant has qualified.

In accord with that obligation, the Executive Committee reports as follows: The School of Law of Texas State University for Negroes applied for admission. The committee has investigated its qualifications and finds that the school complies with our requirements and standards at this time. In view, however, of the pendency in the Supreme Court of a case which may well reexamine the validity of the constitutional test for such an institution as hitherto understood, the committee and the school have agreed that action on the application be deferred.

I move the report be received and filed.

PRESIDENT DICKINSON: Without objection, it will be so ordered.

* * * * * * * * *

MR. ERWIN NATHANIEL GRISWOLD [Harvard University Law School]: I would like to ask for a ruling or interpretation from the Chair as to an action which was taken a moment ago with respect to the report of the Executive Committee.

Did the action taken, which I understand was to receive the report and place it on file, involve in any way approval by this Association of the determination made by the Executive Committee?

PRESIDENT DICKINSON: I do not so understand it. I understand that the Executive Committee is simply reporting a disposition by agreement among all parties concerned which took the issue or the problem off our calendar.

We are telling you in that statement the circumstances in which that was done. I do not understand that this body approves or disapproves at this stage anything that the Executive Committee [has done].

MR. GRISWOLD: That is my understanding, and I wanted it to be clear on the record.

PRESIDENT DICKINSON: Well, that is my personal understanding. If the Executive Committee gets together and overrules me, it will be too late to do anything about it, but I think that is correct. [Laughter]